

BINGHAM McCUTCHEN

Facsimile

DATE July 28, 2003

	NAME	FAX	PHONE
TO	Unite States Patent Office Office of Petitions	(703) 308-6916	

FROM Antoinette F. Konski (650) 849-4800 (650) 849-4950
Antoinette.konski@bingham.com

PAGES (INCLUDING THIS COVER PAGE) 12

RE Application Serial No. 09/847,525

Message:

Bingham McCutchen LLP
1900 University Avenue
East Palo Alto, CA
94303-2223

FAX RECEIVED
JUL 28 2003
PETITIONS OFFICE

650.849.4400
650.849.4800 fax

bingham.com

Boston
Harford
London
Los Angeles
New York
San Francisco
Silicon Valley
Singapore
Walnut Creek
Washington

For transmission problems, please call (650) 849-4825**Caution – Confidential**

The information in this fax is confidential and may also be privileged attorney-client information and attorney work product. It is intended only for the recipient(s) named above. If you aren't a named recipient or his/her authorized representative, any reading, use, copying or disclosure of this fax is strictly prohibited. If you aren't a named recipient, please call the above number (collect) now and return this fax to us by mail at the above address. Thank you.

Please type a plus sign (+) inside this box +

PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

12 11

Application Number

09/847,525

Filing Date

May 1, 2001

First Named Inventor

Ming Fai Chan

Group Art Unit

1624

Examiner Name

Mark L. Berch

Attorney Docket No.

NB 2016.00

ENCLOSURES (check all that apply)☒ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declarations☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53☐ Assignment Papers
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☒ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ After Allowance Communication to
Group☐ Appeal Communication to Board of
Appeals and Interferences☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify
below):Communication Accompanying Petition to
Revive and Copy of Prosecution by
Assignee and Power of Attorney

Remarks

FAX RECEIVED

JUL 28 2003

PETITIONS OFFICE

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

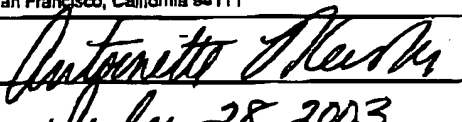
Firm

or

Individual Name

Antoinette F. Konski
Bingham McCutchen LLP
Three Embarcadero Center, Suite 1800
San Francisco, California 94111

Signature



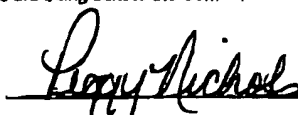
Date

July 28, 2003

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper and all enclosures are being sent to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below via facsimile to (703) 308-6918.

July 28, 2003



Peggy Nichols

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Docket No. NB 2016.00

Certificate of Transmission

[] Pursuant to 37 C.F.R. § 1.6, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to Box AP, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

[x] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via Facsimile on the date indicated below to Facsimile No. (703) 308-6916.

Dated: July 28, 2003

Name of Person Certifying:

Peggy Nichols

Printed Name: Peggy Nichols

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ming Fai Chan

Filing Date: May 1, 2001

Serial No.: 09/847,525

Title: BETA-LACTAM ANTIBIOTICS (AS AMENDED)

Examiner: Berch, Mark L.

Group Art Unit: 1624

Mail Stop Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX RECEIVED

JUL 28 2003

PETITIONS OFFICE

NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Appeals from the Notice of Abandonment dated July 2, 2003. The items checked below are appropriate.



Appeal Fee:



Large Entity Fee of \$320.00; or



Small Entity Fee of \$160.00.



Applicant(s) claim Small Entity Status under 37 CFR § 1.27.



Petition for Extension of Time (3 mos.)



Petition for Extension of Time Fee \$



Return Postcard.

Docket No. NB 2016.00



Payment of Fees



Enclosed is Check No. _____ in the amount of \$ _____.

Please charge Deposit Account No. 50-2518, in the amount of \$ 160.00 to cover the above-fees referencing billing reference No. 2023896-7062.The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2518, referencing billing reference No. 2023896-7062.

DATE: July 28, 2003

Respectfully submitted,

By: 

Antoinette F. Konski

Registration No.: 34,202

Bingham McCutchen, LLP
Formerly McCutchen, Doyle, Brown & Enersen, LLP
Three Embarcadero Center
San Francisco, California 94111
Telephone: (415) 393-2000
Telefax: (415) 393-2286